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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,058

04/06/2006

Marc H. Segan

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03/06/2008

COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

SILBERMANN, JOANNE

ART UNIT

PAPER NUMBER

3611

MAIL DATE

DELIVERY MODE

03/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,058	Applicant(s) SEGAN ET AL.	
	Examiner Joanne Silberman	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-28 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/6/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 10, 12, 15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Limber et al. US patent publication 2001/0053083 A1 (Limber).

3. Limber discloses a display system (Figure 1) comprising a planar support member having a plurality of parallel first bars (the vertical bars) and a plurality of parallel second bars (the horizontal bars), a plurality of lights that are received in apertures 10 [0023] at intersections of the bars and the grid of wires for the string of such lights would be located on the rear surface of the support.

4. Regarding claim 4, elements 13 are considered to be support bases. Regarding claim 10 the outer portion of the support member is considered to be the frame. Regarding claim 12 the center horizontal cross member is considered to be the “cross member.” Regarding claim 15 Limber discloses attaching a plurality of support members together [0028].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 16, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Limber.

7. Regarding claim 3, Limber does not specifically teach the use of LEDs, however LEDs are well known in the art. It would have been obvious to a person having ordinary skill in the art to utilize LEDs as the lights on the string of Limber since this would reduce the amount of heat generated by the light sources, would reduce the amount of energy needed to power the light sources, and would reduce the maintenance required.

8. Regarding claims 16 and 21, it is well known in the art to attach several strings of lights together, e.g. Christmas lights. It would have been obvious to one of ordinary skill in the art to utilize a plurality of strings of lights in Limber so as to provide a single light string which will illuminate the display in an easier manner.

9. Regarding claim 23, attaching a plug for inserting into a vehicle cigarette lighter to a lighted display is old and well known. It would have been obvious to one of ordinary skill to utilize such a plug on the device of Limber so that power may be provided to the display and so that the display may be used with a vehicle.

10. Regarding claim 24, Limber does not specifically teach using plastic, however plastic is old and well known in the art of displays. It would have been obvious to a person having ordinary skill in the art to utilize plastic to construct the display of Limber since the display is intended to be used outdoors and plastic is a well known, weather resistant material.

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11. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Limber in view of Savage, UK Patent Application GB 2,025,596 A (Savage).

12. Limber does not teach a transparent cap over the base, however this is well known, as shown by Savage. Savage teaches transparent cap 110 (Figure 5) attached to the front of the display over a light source and held in place by arms 112. It would have been obvious to one of ordinary skill to utilize such a cap for the light sources of Limber so as to protect the lights from damage.

13. Claims 7, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Limber in view of Lin, US patent publication 2003/0019138 A1 (Lin).

14. Limber does not teach channels on the rear surface of the bars for receiving the wires, however this is well known in the art as shown by Lin. Lin teaches an illuminated display including channels 28 (or recesses with floors) on the back surface. It would have been obvious to one of ordinary skill to utilize such channels on the display of Limber so that the wires (and other electronic components, such as modules) will not become tangled.

15. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Limber and Lin as applied to claims 7 and 13 above, and further in view of Savage.

16. It would have been obvious to utilize a cap as discussed above to provide protection for the light sources.

17. Savage also teaches covers 150 (Figure 11) fixed to the support members at intersections. It would have been obvious to utilize such covers in the display of Limber (as modified by Lin) to prevent light from seeping out between the display areas.

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18. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Limber in view of Shinn, US #2,602,252.

19. Limber does not teach attaching adjacent support members together with a hinge. Shinn shows (Figure 1) placing a hinge between adjacent displays. It would have been obvious to one of ordinary skill in the art to utilize hinges on the display system of Limber so that multiple support members may be set up and taken down in an easier, faster manner.

20. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Limber in view of Merryman, US #4,532,579.

21. Limber does not teach using a transformer however this is well known in the art as shown by Merryman. Merryman teaches transformer 64 (Figure 1) attached to an illuminated display system. It would have been obvious to one of ordinary skill to utilize a transformer in the display system of Limber so as to provide proper voltage for the light sources.

22. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Limber in view of Wainwright, US #4,875,144.

23. Limber does not teach using a controller, however this is well known in the art as shown by Wainwright. Wainwright teaches controller 16 (Figure 7). It would have been obvious to use a controller with the display system of Limber so as to provide a means for a user to personally control the display and create a desired image, as taught by Wainwright.

24. Allowable Subject Matter

25. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

26. The prior art of record does not teach or suggest a display system as described in claims 1, 7 and 8 and further including the cover having four arms extending radially into the channels of the bars and being flush with the rear surface.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Joanne Silbermann
Primary Examiner
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